

## **REMARKS**

### **The Invention**

Claim 1 is directed to a cigarette having a tobacco rod and a wrapper for the rod, wherein the wrapper is combustible, burns, and ashes, and comprises porous particulate cerium oxide.

Claim 12 is directed to a cigarette comprising a tobacco rod and a cigarette paper that is combustible, burns, and ashes, and which paper has a sidestream smoke treatment composition comprising, in combination, a rare earth metal oxide and an essentially non-combustible finely divided porous particulate adjunct for the rare earth metal oxide.

Claim 20 is directed to a low sidestream smoke cigarette comprising a tobacco rod, and a treatment paper, which is combustible, burns, and ashes. The treatment paper has a sidestream smoke treatment composition. The treatment composition comprises, in combination, a rare earth metal oxide and an essentially non-combustible finely divided porous particulate adjunct for said rare earth metal oxide.

Claim 45 is directed to a low sidestream smoke cigarette comprising a tobacco rod and a treatment paper that is combustible, burns, and ashes. The treatment paper has a sidestream smoke treatment composition comprising an oxygen storage and donor metal oxide oxidation catalyst precursor and an essentially non-combustible finely divided porous particulate adjunct for the catalyst. The oxygen storage and donor metal oxide oxidation catalyst release oxygen at free burn rate temperatures for the cigarette.

Claim 46 is directed to a combustible cigarette paper for use on a smokable tobacco rod of a cigarette. The combustible cigarette paper is for reducing the sidestream smoke emitted from a burning cigarette. The paper is combustible, burns, and ashes, and has a sidestream smoke treatment comprising an oxygen storage and donor metal oxide oxidation catalyst precursor and an essentially non-combustible finely divided porous particulate adjunct. The

oxygen storage and donor metal oxide oxidation catalyst release oxygen at free burn rate temperatures of a cigarette made from the paper.

**The Office Action**

Claims 2 and 3 are not rejected on the merits.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as anticipated by Snaidr, WO 98/16125, particularly over claim 29 thereof. Additionally, Figure 1 of the '125 document is said to show that the wrapper comprises both combustible and non-combustible portions.

Claims 1, 4-7, 12-14, 17-18, 20-21, and 45-46 stand rejected under 35 U.S.C. § 102(e) as anticipated by Bowen, US 6,286,516, or under 35 U.S.C. § 102(a) as anticipated by Bowen, WO 99/53778. Cerium oxide is said to be applied to zeolite substrate. In particular, according to the Office Action, the oxygen storage component of Bowen releases oxygen at 300°C, whereas the free burn temperature of those cigarettes is between about 400 and 900°C. Additionally, Figure 1 of the '516 document is said to show a tobacco rod wrapped by both a cigarette paper and a tube comprised of the treatment material creating a "wrapper" comprising of both combustible and non-combustible portions.

Claims 8 and 19 stand rejected under 35 U.S.C. § 103(a) as obvious over Bowen WO '778 in view of Schlatter, US 5,040,551. According to the Office Action, these documents indicate that, at the time the invention was made, it would have been obvious to have used iron oxide as catalyst.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Bowen '778. The Office Action admits that the loading rate of cerium oxide is not disclosed, but asserts that the amount, and optimization of the amount, would have been obvious to preclude depletion of the number of puffs in the cigarette by controlling the amount of oxygen release.

Claims 10-11, 15-16, and 22-23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Bowen '778 in view of Grodek, US 5,004,711. Bowen is said to teach sorbatives, such as a zeolite, and teaches that zirconium oxide is a sorbative. The Office Action asserts that, at the time the invention was made, it would have been obvious to substitute known sorbents.

Claims 1, 12, 20 and 45-46 stand rejected on the ground of non-statutory obviousness-type double patenting over claims 5 and 13 of United States Patent Number 6,286,516. Although the claims are not identical, the Office Action asserts that it would have been obvious that to put cerium oxide on the porous adjunct meets the claim limitation requiring a porous cerium oxide, and to have expected the catalyst to release oxygen at free burn temperatures of the cigarette.

#### **The Cited Documents**

WO 98/16125 is directed to a non-combustible apparatus used in combination with a tobacco product to control sidestream smoke and to increase the number of puffs available to the smoker from a given amount of tobacco. The non-combustible apparatus comprises a tube having a predetermined porosity into which tobacco product is placed. The porosity of the tube is selected to provide sidestream smoke reduction and to reduce the free-burn rate between puffs. Claim 29 is directed to this apparatus having a ceramic oxide comprising cerium oxide. Importantly, the device of WO 98/16125 is re-usable because it is not combustible and does not burn or ash.

Figure 1 of WO 98/16125 discloses a device having a tubular element for encasing a cigarette. The device extends over the effective length of a tobacco charge for the cigarette, so that the smoker can achieve the usual number of puffs from a cigarette as per a conventional cigarette. Additionally, the tubular element has connected thereto a filter tip for filtering the smoke inhaled from the burning cigarette.

Bowen, United States Patent Number 6,286,516, is directed to a porous, non-combustible material for treating sidestream smoke. This material is used to surround a conventional cigarette. In particular, Bowen is directed to a cigarette that has a non-combustible wrapper that surrounds and is in substantial contact with conventional cigarette paper portion of a cigarette.

The material has a high porosity which encourages conventional free-burn rate for a cigarette. The oxygen storage component releases oxygen at free-burn rate temperatures adjacent a burning coal to both:

- (a) compensate for the material reducing rate of oxygen diffusion to a burning coal to ensure conventional free-burn rate; and
- (b) contribute to the oxidation treatment of components of sidestream smoke.

The cigarette is designed to have a sufficiently high porosity, usually in excess of 200 Coresta units, which encourages a conventional free-burn rate of the conventional cigarette. In other words, the wrapper is transparent to the cigarette so the cigarette burns at its normal rate to give the usual flavor and taste of a conventional cigarette. The presence of the oxygen donor material is to release sufficient oxygen to compensate for any reduction in oxygen diffusion to the burning coal caused by the non-combustible material. Thus, the material ensures the conventional free-burn rate and contributes to the oxidation treatment of components of sidestream smoke.

Figure 1 of Bowen discloses a device that is wrapped around a conventional cigarette with a tobacco rod wrapped in conventional cigarette paper. The treatment material may surround or encompass the cigarette and is in substantial contact with the exterior of the cigarette paper. The treatment paper, which is non-combustible, acts as a barrier to migration of constituents in the treatment material into the tobacco. Further, the treatment paper then

performs treatment of the sidestream smoke externally of the cigarette paper, decoupling the treatment activities from the mainstream smoke production.

Schlatter, United States Patent Number 5,040,551, discloses a method for reducing the amount of carbon monoxide produced in combustion of carbonaceous materials. The materials are coated with a non-combustible particulate matter. The particulate matter is microporous and is a high-melting oxide. The thickness of the coating is closely controlled to ensure proper carbon monoxide reduction. Catalysts also can be added. Tobacco may surround the carbonaceous materials.

Grodek, United States Patent Number 5,004,711 is directed to preparation of colloidal zirconium oxide sols. Ceria, calcia, magnesia, and other oxides can be used as stabilizer for zirconia powders obtained.

#### **The Invention in view of the Cited Documents**

#### **Rejections under 35 U.S.C. § 102**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as anticipated by International Patent Application No. WO 98/16125 to Snaidr *et al.* (equivalent to U.S. Patent No. 6,371,127). In particular, the Office Action asserts that Claim 29 discloses a porous tubular element comprising cerium oxide and encasing a tobacco charge, which is deemed to be a tobacco rod and to disclose the claimed invention. The Office Action further asserts that Figure 1 of the ‘125 patent also discloses the claimed invention.

Applicants respectfully traverse this rejection. The cited document is directed to a *non-combustible* porous apparatus in the form of a tubular element, and neither suggests nor discloses a wrapper that is combustible, burns, and ashes, and comprises porous particulate cerium oxide as is required by the claims. The cited document teaches only a non-combustible tubular element that encases a cigarette, and does not disclose or suggest the cigarette of claim 1.

International Patent Application No. WO 98/16125 to Snaidr *et al.* (equivalent to U.S. Patent No. 6,371,127) is directed to a device that is effectively a cigarette holder that provides sidestream smoke control and free-burn rate control. The exterior tubular element (12) of the device of International Patent Application No. WO 98/16125 contains a cigarette or tobacco charge within its interior and is non-combustible, so it is not consumed when the cigarette is smoked. As described at page 11, lines 11 to 24, the tubular element is reusable. The specification at page 15, lines 15 to 18, teaches that the tubular element is made from non-combustible materials such as ceramics, plastics, treated papers and wood-derived materials. Figure 1 from the '125 document does not add anything relevant to the disclosure. Instead, Figure 1 discloses a "tubular element 12 for encasing a cigarette." See page 9, lines 24 to 25. The '125 document does not disclose that the tubular element of Figure 1 is combustible, rather only that the tubular element may contain a tobacco charge that may be wrapped. See page 10, line 9.

A catalyst may be incorporated within the material used to form the tubular element (12), on the inner or outer surfaces of the tubular element or in the material used to form the porous elements (18). See at least page 1, lines 23 to 24; page 6, lines 7 to 13; page 7, line 33 to page 8, line 3; which describe the tubular element (12) and inclusion of a catalyst and at least page 12, lines 15 to 17, which describes the presence of the catalyst in the porous elements (18).

At page 15, line 18, the cited document reiterates that the interior of the tube may be coated with catalytic particles to catalyze oxidation of combustion products. Suitable catalysts are described in detail from page 27, line 29 through to page 33, line 7.

Unlike the non-combustible tubular element (12) of International Patent Application No. WO 98/16125, the wrapper of claim 1 clearly is combustible, burns and ashes, and comprises porous particulate cerium oxide, as recited in the pending claim. This is not a "system" or a

combination of parts. The tubular element (12) of International Patent Application No. WO 98/16125 is a non-combustible apparatus or device, not a wrapper of the claimed invention. The Office Action asserts that the ‘125 document discloses, in its cigarette and non-combustible device surrounding it, the “system” of the claims.

Applicants respectfully submit that this argument is not well-founded. Pending claim 1 is directed to a cigarette that has a tobacco rod and wrapper, wherein said wrapper is both combustible, burns, and ashes, and comprises porous particulate cerium oxide. This is the claimed invention. The Office Action asserts that claim 1 is directed to a wrapper “system” so as to be able to assert, without foundation, that two different structures in the ‘125 document suggest the limitations of claim 1. The Office Action asserts that the limitation of “comprising porous particulate cerium oxide” is suggested by the ceramic tubular element and that there is a combustible limitation because a wrapped tobacco rod or a wrapping paper is combustible in the ‘125 patent.

Whereas in the previous prosecution the combustibility of the wrapper of claim 1 was at issue, now the Office Action asserts that the claimed invention is a “system.” However, claim 1 is not anticipated by the ‘125 document because claim 1 is not directed to a combustible wrapper “system.” The ‘125 document does not disclose a wrapper that is combustible, burns, and ashes, and comprises porous particulate cerium oxide, but instead is clearly directed to a non-combustible ceramic tubular encasing. See page 4, line 31. MPEP §706.02 states that anticipation under 35 U.S.C. § 102 requires “the reference must teach every aspect of the claimed invention either explicitly or impliedly.” (emphasis added). In this case, the present invention does not claim a “wrapper system” as the Office Action is trying to assert, so the ‘125 document does not teach every aspect of the claimed invention, particularly a wrapper that is both combustible, burns, and ashes, and comprises porous particulate cerium oxide.

Figure 1 does not add to the Office Action, but instead supports Applicants' view that since claim 1 is not directed to a wrapper "system," the "system" of Figure 1, i.e., a non-combustible ceramic apparatus encapsulating a cigarette, does not anticipate the present invention.

Therefore, Applicants respectfully traverse this rejection and earnestly solicit allowance of the pending claims.

Claims 1, 4-7, 12-14, 17-18, 20-21 and 45-46 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,286,516 to Bowen *et al.* (equivalent to International Patent Application No. WO 99/53778).

Applicants respectfully traverse this rejection. International Patent Application No. WO 99/53778 is directed to a cigarette that has a *non-combustible* material which surrounds and is in substantial contact with conventional cigarette paper portion of a cigarette. The *non-combustible* material has a high porosity which encourages conventional free-burn rate for the conventional cigarette it surrounds. The *non-combustible* material includes an oxygen storage component that releases oxygen at free-burn rate temperatures adjacent a burning coal to:

- (a) compensate for the material reducing rate of oxygen fusion to a burning coal to ensure conventional free-burn rate; and
- (b) contribute to the oxidation treatment of components of sidestream smoke.

The presence of the oxygen donor material is to release sufficient oxygen to compensate for the treatment material reducing rate of oxygen diffusion to the burning coal to ensure the conventional free-burn rate and as well, contribute to the oxidation treatment of components of sidestream smoke. Additionally, Figure 1 does not add to the arguments because the figure just shows that the treated paper can be wrapped around a conventional cigarette, not that the wrapper itself is combustible.

Similar to the arguments from above, Bowen does not teach or suggest a *combustible* wrapper (a structural feature) comprising *porous particulate cerium oxide* of claim 1 or, in general, comprising an oxygen donor material, as claimed in claims 12, 20, 45 and 46. Instead, the treatment material of Bowen is *non-combustible*, as claimed in Bowen. The non-combustible material of Bowen comprises oxygen donor material. In contrast, Applicants claim a wrapper that is both *combustible* and comprises the oxygen donor material. Bowen never suggests adding the oxygen donor material to the paper of the conventional cigarette.

Again, the Office Action mischaracterizes claim 1 as comprising a wrapper “system.” As stated earlier, claim 1 is directed to a wrapper that is made from a combustible material that burns and ashes, and comprises porous particulate cerium oxide, not to a wrapper “system,” as the Office Action asserts. Claim 1 is not directed to the combination of two wrapping structures to create or suggest a wrapper “system.” Instead, neither disclosed structure suggests or discloses the claimed invention because neither structure is both combustible, burns, and ashes, and comprised porous particulate cerium oxide. This clearly an inappropriate anticipation rejection under 35 U.S.C. § 102 since the cited reference does not teach every limitation.

In the alternative, Applicant’s argue that this cited reference actually aids Applicants’ novelty argument because Bowen in fact teaches away from the use of the treatment material in contact with the tobacco. Bowen states that the “unique functions peculiar to this invention” is the fact that the treatment material is in isolation from the tobacco rod, so that it can perform treatment on the sidestream smoke component externally of the cigarette paper. See column 11, lines 23-25, 30-32 and 41-43. The Office Action surely cannot cite this reference as anticipating the claimed invention because the limitations of claim 1 are not taught or suggested by Bowen, which instead discloses the “decoupling” of the treatment activity from the mainstream smoke. See column 11, lines 45-47. Claim 1 is directed to a cigarette having a tobacco rod and a

wrapper wherein the wrapper is combustible, burns and ashes, and comprises porous particulate cerium oxide; whereas the invention of Bowen discloses a cigarette which “isolates the tobacco from the tube...preferably acting as a barrier.” See column 11, lines 23-25.

Moreover, with respect to these pending independent claims 12, 20, 45 and 46, the use of the combustible cigarette paper or treatment paper of the claimed invention produces a cigarette paper with very little sidestream smoke on burning because of the novel combination of an oxygen storage and donor metal oxide oxidation catalyst and an essentially non-combustible finely divided porous particulate adjunct for the catalyst or, more specifically claimed in Claims 12 and 20, a rare earth metal oxide oxidation catalyst and an essentially non-combustible finely divided porous particulate adjunct for the catalyst. The oxygen storage and donor metal oxide oxidation catalyst and the non-combustible finely divided porous particulate adjunct are used in combination to achieve sidestream smoke reduction. As taught at pages 17 and 18 of the specification, ‘in combination’ means that the materials are used together, for example, either by co-mingling, coating the catalyst on the adjunct, impregnating the catalyst within or on the porous surface adjunct or in layers. Quite surprisingly, this combined use of the metal oxide with the adjunct provides sidestream smoke control. It was quite unexpected that these two constituents used together in combination provide sidestream smoke control by simply being part of a combustible cigarette paper. Other than constituents used to provide this combination in sheet form, there is no other requirement for other components to control sidestream smoke.

The cigarette of the cited document is designed to burn at conventional free-burn rates and to rely on the oxygen storage component to release oxygen from the *non-combustible* material to support that free-burn rate. This cited document does not contemplate that sidestream smoke control can be realized by combined use of an oxygen storage and donor metal oxide (e.g. rare earth metal oxide) in combination with a porous particulate adjunct to reduce sidestream

smoke, as set forth in claims 12 and 20. This use in combination is not realized in the cited document. Regarding claim 45, Applicants respectfully submit that Bowen does not contemplate a low sidestream smoke cigarette comprising, *inter alia*, a treatment that is combustible, burns and ashes, and that has sidestream smoke treatment composition that comprises in combination, an oxygen storage and donor metal oxide oxidation catalyst precursor and an essentially non-combustible finely divided porous particulate adjunct for the catalyst, where the oxygen storage and donor metal oxide oxidation catalyst releases oxygen at free burn rate temperatures for the cigarette. As stated earlier, Applicants are claiming a wrapper or cigarette paper that has all of the defined limitations of the pending claims. The applicants are not claiming a wrapper “system” that has these limitations.

Further, Applicants respectfully submit that Bowen does not contemplate a cigarette treatment paper for a use on a smokable tobacco rod for reducing sidestream smoke emitted from the burning cigarette, where the paper, which is combustible, burns and ashes, including a sidestream smoke treatment composition comprising in combination an oxygen storage and donor metal oxide oxidation catalyst precursor and an essentially non-combustible finely divided porous particulate adjunct where said oxygen storage and donor metal oxide oxidation catalyst releases oxygen at free burn rate temperatures of a cigarette made from the cigarette paper.

The Office Action asserts that Bowen teaches that the non-combustible treatment material can include two components: a porous non-combustible material (see Col. 4, lines 1ff) which can be zeolite (see Col. 7, lines 5ff and Col. 8, lines 45ff) and an oxygen storage component, whereby the cerium oxide is in situ or applied to the surface of the zeolite (Col. 7, lines 33ff). The non-combustible treatment material surrounds the cigarette paper of a conventional cigarette and typically is a tube. The tube does not comprise an oxygen storage and donor metal oxide oxidation catalyst *and* an essentially non-combustible finely divided porous

particulate adjunct for the catalyst. Again, the Office Action is mischaracterizing the present invention.

In the Response to Arguments section of the Office Action, the Office Action asserts that Applicants argued, at page 19 of the response filed October 30, 2007, that the tube of Bowen does not have an oxygen storage or donor metal oxide. It is submitted that the Applicants argued that the tube does not comprise an oxygen storage and donor metal oxide oxidation catalyst and an essentially non-combustible finely divided porous particulate adjunct for the catalyst, as reiterated above. This cited document does not contemplate that sidestream smoke control can be realized by combined use of an oxygen storage and donor metal oxide (e.g. rare earth metal oxide) in combination with a porous adjunct to reduce sidestream smoke, as set forth in the pending claims. This use in combination is not realized in the cited document.

For at least these reasons, Applicants respectfully submits that the cited document does not teach or suggest the claimed invention.

**Rejections under 35 U.S.C. § 103**

Claims 8 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowen in view of U.S. Patent No. 5,040,551 to Schlatter. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowen.

Applicants respectfully traverse these rejections. As set forth above, Bowen fails as a primary reference, and Schlatter adds nothing relevant to the disclosure of Bowen. Schlatter discloses that carbon monoxide levels of coated carbonaceous materials can be reduced by adding metals or their oxides to the coating of the fuel material. This discloses nothing relevant to the rejected claims, and Applicants respectfully traverses this rejection of claims 8 and 19.

Specifically, Schlatter does not disclose the features of claims 1, 6, and 7, from which claim 8 depends, and of claims 12, 15, 16, and 17, from which claim 19 depends. In particular, Bowen does not disclose a combustible wrapper comprising porous particulate cerium oxide, so the disclosure in Schlatter of iron oxide does not provide that which is missing from Bowen to make obvious claim 8. Similarly, Bowen is not directed to a combustible paper comprising an oxygen storage donor material (e.g. cerium oxide) (claim 1). Moreover, this reference is not directed to a combustible paper comprising, in combination, a rare earth metal oxide and an essentially non-combustible finely divided porous particulate adjunct for the rare earth metal oxide (claims 12 and 20). Furthermore, this reference is not directed to a combustible paper comprising, in combination, an oxygen storage and donor metal oxide oxidation catalyst precursor and an essentially non-combustible finely divided porous particulate adjunct for the catalyst (claims 12 and 20).” As stated earlier, the present invention is not directed to a combination of structures to form a wrapper system that meets the limitations, but instead to a wrapper that meets every limitation. Therefore, Applicants respectfully submit that Schlatter’s

iron oxide disclosure does not provide that which is missing from Bowen to make obvious claim 12.

Applicants respectfully submit that Bowen does not render claim 9 obvious. As set forth above, Bowen is directed to a non-combustible device. Claim 9 depends from claim 1, and, for the reasons set forth above, Bowen is not directed to a combustible wrapper comprising an oxygen donor material (e.g., cerium oxide) (claim 1). Further, as the Office Action admits, Bowen does not suggest or disclose a loading rate. Thus, it is only with the information provided in the pending application that one can suggest a loading rate. This is true because the skilled practitioner can calculate a loading based only on the use disclosed in the pending application. Thus, Applicants respectfully submits that it is only by impermissible hindsight reconstruction that the skilled practitioner can make this calculation. Applicants respectfully traverse this rejection.

The Examiner has also rejected Claims 10-11, 15-16 and 22-23 under 35 U.S.C. § 103(a) as being unpatentable over Bowen in view of U.S. Patent No. 5,004,711 to Grodek. Applicants respectfully traverse this rejection. Bowen is directed to a non-combustible device, and Grodek is directed to stabilization of zirconia powders made from zirconia sols. Ceria, magnesia, and other oxides can serve as stabilizer. Applicants respectfully submit that, as set forth above, Bowen fails as a primary reference and the disclosure of Grodek does not make up for the deficiencies of Bowen, and Applicants respectfully traverses this rejection.

For the reasons discussed above with respect to Bowen, none of these references, even if appropriately combinable with Bowen, cures the deficiencies of this combination or teaches or suggests the subject matter of these claims.

**Rejections based on Obviousness-type Double Patenting**

Claims 1, 12, 20, 45, and 46 stand rejected on the ground of obviousness-type double patenting over claims 5 and 13 of Bowen, U.S. Patent No. 6,286,516. Applicants respectfully traverse this rejection.

Bowen '516 does not teach or suggest a combustible wrapper (a structural feature) comprising *porous particulate* cerium oxide of claim 1. Moreover, Bowen does not contemplate that sidestream smoke control can be realized by combined use of an oxygen storage and donor metal oxide (e.g. rare earth metal oxide) in combination with a porous adjunct to reduce sidestream smoke, as set forth in claims 12, 20, 45 and 46. This use in combination is not realized in the cited document. The material of Bowen '516 is *non-combustible*, as claimed in Bowen '516. The *non-combustible* material of Bowen '516 comprises oxygen donor material. In contrast, Applicants' claimed wrapper is *combustible* and it comprises the oxygen donor material. Bowen '516 never suggests adding the oxygen donor material to the paper of the conventional cigarette.

Instead, Bowen suggests that the tube comprised of the treatment material can surround and be in substantial contact with the cigarette paper. This disclosure does not suggest the limitations of claim 1 of the present invention. As stated above, claim 1 is not directed to a system of wrappers but to a wrapper that is both made from a combustible material that burns and ashes, and comprises porous particulate cerium oxide. Nor does Bowen teach or suggest the claim limitations of claims 12, 20, 45 and 46 since it does not teach or suggest a tobacco paper that is combustible, burns, and ashes, that comprises both a rare earth metal oxide and non-combustible porous particulate adjunct for the rare earth metal oxide.

It bears repeating that the Office Action is incorrectly characterizing claim 1 of the present invention. The Office Action cannot just import language into the construction of the

claim, but instead must take the claim as written. Claim 1 is directed to a wrapper that is made from a combustible material and comprises porous particulate cerium oxide, not to two structures that comprise a system to meet the limitations of the claimed invention.

Bowen explicitly states the cigarette paper “performs the unique functions peculiar to this invention...decoupling of the treatment activities from the mainstream smoke production.” (emphasis added) See column 11, lines 30-32 and 45-47. Not only does the Office Action assert that a treatment paper wrapped around a cigarette is a basis to reject the pending claims, the Office Action also rejects the claims as obvious even though Bowen actually teaches away from the claimed invention. Neither rejection is well founded.

Simply put, Bowen '516 discloses a different invention. Claim 1 is not a wrapper system. Again, the apparatus of Bowen '516 is non-combustible. As set forth above, there are significant differences between what Bowen discloses or fairly suggests and the pending claims. Therefore, Applicants respectfully traverses this rejection.

## **CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance for at least the reasons set forth above. Applicants respectfully traverse the pending rejections and earnestly solicit favorable action thereon.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: June 4, 2009

By: /William J. Fisher/  
Registration No. 32,133

Banner & Witcoff, Ltd.  
1100 13<sup>th</sup> Street N.W.  
Washington, D.C. 20005-4051  
(202) 824-3000

***Customer No. 22907***

13663501